

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 3-5, 7-9, and 12-24 are pending. Claims 12 and 17 have been amended, claims 21-24 have been added and claims 5, 7-9, 15, and 16 have been previously withdrawn in response to a restriction requirement of 5 June 2002.

Prior Art Rejections

1. Rejection under 35 U.S.C. § 103 (a) based on Hambright in view of Maus

Claims 3, 4, 12-14, and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hambright (U.S. Patent No. 5,938,989) in view of Maus et al. (U.S. Patent No. 5,559,789). This rejection is respectfully traversed.

Hambright is directed at a method and apparatus for replicating diffractive optical elements using audio/video disc manufacturing equipment (Hambright, abstract). The method of Hambright is illustrated in Figs. 1A, 1B, and 1C. In Fig. 1A, an etch process is applied to a substrate 10. The etching forms the etched substrate 12 of Fig. 1B, which is used to create a mold master 14 having a negative mold pattern. As shown in Fig. 1C, the mold master 14 is used with a mold 16 to create an optical disc 18 having optical patterns corresponding to those that were etched into the substrate 10 (Hambright, col. 3, ll.18-28). The mold master plate 14, once patterned, is then punched into a circular form consistent with standard compact disc mold bases (Hambright, col. 4, ll.4-10). Hambright fails to show a first

unit having mold pins and a second unit having a pattern. Additionally, Hambright fails to show the use of mold pins for defining the thickness of a cavity.

Maus is directed to an apparatus and method for injection compression molding of thermoplastic optical lenses and disks. The molding technique of Maus consists of four general steps: (a) forming a closed mold cavity; (b) injecting a resin into the cavity; (c) applying a clamping force to the cavity; and (d) maintaining the clamping force until the resin within the cavity solidifies (Maus, col. 12, ll.40 – col. 13, ll.27). The mold cavities are formed by sets of die inserts (e.g. element 5a' in Figs. 11A and 11B). Maus fails to show a first unit having mold pins and a second unit having a pattern. Additionally, Maus fails to show the use of mold pins for defining the thickness of a cavity.

As discussed above, Hambright and Maus both fail to show, suggest, or teach a first mold unit for defining mold cavities and flow passageways; a second mold unit having an integrated mold surface for sealing against the first unit, where the integrated mold surface has a plurality of patterns (on second mold unit); and mold pins for defining the mold cavities, the mold pins located in said first mold unit (Claim 3). Additionally, Hambright and Maus also fail to show, suggest, or teach mold pins for defining the thickness of mold cavities (Claims 12 and 17).

To establish a *prima facie* case obviousness under 35 U.S.C. § 103, the Examiner has the burden of meeting the following three basic criteria: (1) the prior art must teach or suggest all of the claim limitations; (2) there must be a reasonable expectation of success; and (3) there must be some suggestion or motivation, either in the art or knowledge generally available to one of ordinary skill in the art to modify

the reference or to combine teachings (M.P.E.P. § 2143)(emphasis added). Thus, Hambright in view of Maus (assuming the references are combinable, which Applicants fail to admit), fails to show, suggest, or teach all of the elements of independent claims 3, 12, and 17 as detailed in the foregoing arguments.

Applicants have already explained why Hambright fails to teach or suggest the limits of independent claims 3, 12, and 17. Additionally, Maus fails to teach or suggest the lacking features in Hambright. Therefore, since claims 4, 13-14, and 18-20 each depend, either directly or indirectly, from one of claims 3, 12, and 17, since claims 4, 13-14, and 18-20 are allowable at least for the reasons generally expressed above with respect to claims 3, 12, and 17 with respect to Hambright.

Accordingly Applicants respectfully request reconsideration and withdrawal of the outstanding rejection of claims since claims 3, 4, 12-14, and 17-20 under 35 U.S.C. § 103(a).

New Claims

New claims 21-24 are added to this application and further define the inventive features supported by the present application. Neither Hambright nor Maus illustrates a continuous surface that patterns multiple optical elements. Favorable consideration of these claims is earnestly solicited.

CONCLUSION

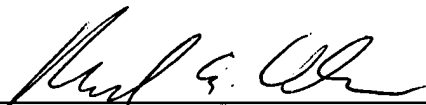
In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the formal objections and rejections to the claims, and the rejections based on prior art. Because all claims are believed to define over prior art of record, Applicants respectfully request an early indication of allowability.

If the Examiner has any questions concerning this application, the Examiner is requested to contact the undersigned at (888) 510-0695 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayments to Deposit Account No. 50-2842 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

KEADY, CICCOTZI & OLDS PLLC

By 

Mark E. Olds
Reg. No. 46,507

JPK/MEO

P.O. Box 220472
Chantilly, VA 20153-0472
(703) 739-0405